

REMARKS

Specification

Application has amended the specification to claim priority to provisional application No. 60/200,143, filed on April 27, 2000.

Drawings

The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention claimed. Specifically, the Examiner stated that collet having a tapered inner surface with the internal threads claimed in claim 31 is not shown. Applicant respectfully disagrees. As noted in the paragraph beginning on the bottom of page 6 and shown in Figure 4, "The collet 24 illustrated in Fig. 4 is identical to collets of the embodiments of Figs. 2-3 and includes a threaded tapered inner surface..." (emphasis added). As is shown in Figure 2, the cut-away view of a collet shows a threaded surface. Accordingly, every feature of the claimed invention is shown, and allowance is respectfully requested.

Provisional Rejection

Claims 34 and 35 were provisionally rejected as being unpatentable over claims 3 and 4 of copending application, serial no. 11/181,015 ('015 application) in view of Moody, U.S. Pat. No. 661,352. Claim 36 was provisionally rejected as being unpatentable over claims 3 and 4 of the '015 application in view of Moody and further in view of Magnani, U.S. Pat. No. 2,829,909. The current application and the '015 application have the same inventive entity, and both applications claim priority to the same parent application, U.S. Serial No. 09/842,351, from which the present application is a divisional application. Furthermore, the '015 application is also a divisional application of the parent application, based upon a restriction requirement by the Examiner. As stated in 35 U.S.C. § 121, "A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall **not** be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application..." (emphasis added) See MPEP §804. Furthermore, the disclosure of parent application, the present application, and the '015 application is the same disclosure. That is, the disclosure of the '015 application is the disclosure of the present application,

and an obviousness rejection should not be based on applicant's own disclosure. MPEP §§ 706.02(j), 2143 (Citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Accordingly, removal of the provisional obviousness rejections is respectfully requested, and allowance of claims 34-36 is requested.

Rejection - 35 U.S.C. § 103

Claims 34 and 35 were rejected as being unpatentable over Bell, et al., U.S. Pat. No. 5,282,454 in view of Moody, U.S. Pat. No. 661,352. Applicant had previously amended independent claim 34, from which claims 35 and 36 depend, to state that the collet is "releasably attachable" and "hand tightenable". As previously noted, Moody does not show such a connection, as Moody is shown and designed to securely connect broken water pipes back together. It is asserted that one having ordinary skill in the art would understand that such a structure as shown would not be releasably attachable nor hand tightenable, as such a structure would defeat the purpose of repairing broken water pipes. It is further asserted that the structure in Moody is understood by one having ordinary skill as being a permanent structure, and not a structure or arrangement that is releasable or hand. Furthermore, Moody describes and discloses a device that will connect a pipe "without requiring threading of the pipe" (lines 14-16), which is opposite of the presently claimed structure having threads to receive the connector portion. "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." MPEP 2141.03 (Citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Moody directly leads away from the claimed invention, as it shows and discusses a non-threaded connector, and not the threaded connector of the present invention. There is no suggestion or motivation to combine Moody with Bell to arrive at the present invention, as Moody discloses a permanent, non-threaded fitting, that directly teaches away from the presently claimed removable, threaded structure. Accordingly, removal of the rejection of claims 34 and 35 is respectfully requested.

Claim 36 was rejected as being unpatentable over Bell, et al., U.S. Pat. No. 5,282,454 in view of Moody and further in view of Magnani, U.S. Pat. No. 2,829,909. Claim 36 depends from claim 34, which, as noted above, is not obvious over Bell in view of Moody. Accordingly, allowance of claim 36 is also requested.

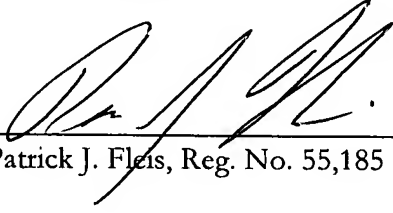
Conclusion

Applicant has amended the application to claim proper priority. No new matter has been added with this amendment. Applicant has noted in drawings the support for claim 31 and has overcome the objection under 37 C.F.R. 1.83(a). Applicant also has noted that the '015 application is not prior art because (1) the '015 application is the same specification as the present application and (2) the '015 application is the result of a restriction requirement by the Examiner; the obvious rejection using the '015 application should be removed

Previously amended claim 34 is believed to be patentably distinguishable from the prior art, as the prior art shows and describes a structure directly opposite in use, structure, and teaching as that of the present invention. Allowance of claims 31-36 is respectfully requested.

Respectfully Submitted,

By


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